EXHIBIT 2

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 1              IN THE UNITED STATES DISTRICT COURT

 2            FOR THE EASTERN DISTRICT OF VIRGINIA

 3                     Alexandria Division

 4    --------------------------------x

 5    ROSY GIRON DE REYES,              :

 6    et al.,                           :

 7                    Plaintiffs,    : Civil No.:

 8      v.                          : 1:16cv563-TSE-TCB

 9    WAPLES MOBILE HOME PARK LIMITED   :

10    PARTNERSHIP,                      :

11    et al.,                           :

12                    Defendants.    :

13    --------------------------------x

14            Videoconference Deposition of

15             WILLIAM A.V. CLARK, Ph.D.

16                  McLean, Virginia

17             Thursday, December 22, 2016

18                     4:05 p.m.

19

20    Job No:   130604

21    Pages:   1 - 87

22    Reported by:  Kelly Carnegie, CSR, RPR
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1   subject was an attempt to estimate the undocumented

2   population in a particular geographical area?

3   A   There may be other publications which have

4   certainly been involved with discussions of the

5   undocumented population. Your specific question

6   about whether I have estimated it for specific

7   areas, I don't believe that I have articles that

8   have done that.

9   Q   Have you engaged in that type of analysis

10   as an expert witness on any occasion other than this

11   case?

12   A   I believe it was part of the Koreatown

13   study. We were concerned with people who were

14   documented or not, but I don't think that that

15   became an essential part of that case.

16   Q   In the reports in this case, Professor

17   Clark, there's a term that's used called "margin of

18   error." Can you define that term for me.

19   A   When statisticians and demographers make

20   estimates using samples, they recognize that there

21   is some -- because it's not a count, there is some

22   error in the result, and we provide a range around

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1   Q   So what I'm trying to get at is in making

2   those comparisons, what factors do you as a

3   demographer look at to determine the difference in

4   the margin of error in that situation?

5   A   I'm sorry. I just don't understand your

6   question. The margin of error is the margin of

7   error which you calculate at the national level and

8   the local level. That's it.

9   Q   Would you agree that the Census Bureau,

10   for example, when it goes from the national level

11   down to smaller geographical areas, its margin of

12   error increases?

13   A   Yes.

14   Q   So is that typical, that when you go from

15   a larger to a smaller geographical area, the margin

16   of error increases?

17   A   There are a number of assumptions in your

18   statement. It would only increase if you hold the

19   sample size constant.

20   Q   When you say hold the sample size

21   constant, what do you mean?

22   A   Well, you have three million at the

1   national level, you have some smaller number at the

2   local level, and we've agreed that the margin of

3   error would be greater at the smaller area than at

4   the national.

5   Q   In attempting to estimate the undocumented

6   population as we've defined it, are there particular

7   challenges to that type of estimate as opposed to

8   estimating another segment of the population?

9   A   I believe that's true.

10   Q   What are the difficulties, if you will, in

11   estimating the undocumented population?

12   A   Well, because they're undocumented, some

13   of them prefer not to be measured in census

14   estimations. So getting an accurate count is more

15   difficult for a population that is less willing,

16   less wanting to be measured.

17   Q   As a demographer, how do you deal with

18   that?

19   A   Well, there's a huge literature and it's

20   been discussed at length, and both Dr. Weinberg and

21   I reference some of the important people, Fasel,

22   Warren, Word, all these people, Peter Morrison, who

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1   have worked on this project of how to estimate the

2   undocumented population, and now the demographers at

3   The Center for Migration Studies have done a very

4   good job of coming up with pretty good estimates of

5   the national and local undocumented populations.

6   Q   So The Center for Migration Studies has

7   estimated the undocumented population at the

8   national level for the United States, correct?

9   A   Yes.

10   Q   Is it also true that CMS, who is -- I'll

11   refer to them as The Center for Migration Studies --

12   has acknowledged a nine percent margin of error with

13   respect to its estimate of the undocumented

14   population at the national level?

15   A   That's correct.

16   Q   Has CMS estimated the margin of error for

17   its estimates at smaller geographical areas such as

18   a state?

19   A   They have not.

20   Q   Do you know why they have not done that?

21   A   I think the -- they say it's difficult

22   enough to try and get estimates of the undocumented

1   population. Putting margins of error on this is

2   difficult -- a difficult process. Why they actually

3   didn't do it, they don't say in their report. I

4   hasten to add that that material has just come out,

5   and I understand, but this is hearsay, that they may

6   attempt to provide margins of error.

7   Q   Would you expect the margin of error for

8   the undocumented population to be higher at the

9   state level as opposed to the national estimate from

10   CMS?

11   A   Would I expect the margin of error to be

12   higher?

13   Q   Yes, at the state level.

14   A   Depending on the state, possibly. I don't

15   think it would necessarily be any higher in

16   California, but it's possible.

17   Q   What factors would you consider in

18   determining whether the margin of error at the state

19   level is higher than the nine percent margin of

20   error at the national level of CMS estimates?

21   A   I'm not sure I understand where you're

22   going with your question, but it seems to me we've

1   Q   In his calculation, Dr. Weinberg took into

2   account the CMS margin of error at the national

3   level of nine percent, correct?

4   A   And then he multiplied it up.

5   Q   Right. But he took into account the nine

6   percent margin of error that CMS admits to with

7   respect to its national estimates, correct?

8   A   Yes.

9   Q   You ignored that, correct?

10   A   I didn't ignore it. I said that this is

11   the best estimate we have. There is no margin of

12   error provided by CMS. He made a number of

13   assumptions about that for which I can find no

14   basis.

15   Q   Well, isn't his assumption pretty

16   straightforward? He started at a national margin of

17   error and took that down to a census tract level?

18   A   Not if you just multiplied up by some

19   number, which has no basis that I can find.

20   Q   So you don't recall that his basis was

21   looking at the number of foreign-born nationals from

22   the census data?

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1   A   He uses that, but that's -- but there's no

2   justification for it. And we're getting away from

3   the point. You're focusing on margins of error, and

4   I keep needing to remind you that we do have a point

5   estimate here. That's the issue. There is an issue

6   of what the margin of error should be, but the point

7   estimate, which both Dr. Weinberg and I got, is a

8   good estimate for the number of undocumented in the

9   census tract. And that I think is the end of the

10   discussion, really, because we've got a point

11   estimate.

12   Perhaps the margin of error should be

13   larger, but the margin of error only gives us a

14   sense of where the point estimate lies. Think of it

15   again, as I said, as a bell curve. Multiple samples

16   will produce most of the results near the point

17   estimate.

18   Q   But in order to determine whether a point

19   estimate is reliable, you have to consider the

20   margin of error, correct?

21   A   You can consider the margin of error. It

22   gives you a range in which the point estimate could

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1   lie. We've already established the point estimate

2   of undocumented Hispanics in the census tract is not

3   zero, but that's what Dr. Weinberg is claiming.

4   Q   What Dr. --

5   A   So that makes his result nonsensical.

6   Q   Isn't he demonstrating that the estimate

7   has no reliability with his margin of error?

8   A   No, no. He's demonstrating that you could

9   get a point estimate of zero under his discussion.

10   That's not possible.

11   Q   Let me ask you this question.

12   A   The margin of error --

13   Q   Go ahead.

14   A   The margin of error includes all point

15   estimates.

16   Q   As a demographer, can you accept an

17   estimate as reliable without knowing the margin of

18   error associated with the estimate?

19   A   You can accept the point estimate. There

20   is a margin of error around it. You may not know

21   exactly what the margin of error is. You can still

22   accept the point estimate. We accept them all the

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1   time. Demographers accept estimates of income, of

2   the proportion of women with levels of fertility.

3   We accept point estimates all the time, both

4   professionally and in the lay public. We don't

5   always have point -- we don't -- in fact, we often

6   do not have margins of error, but we accept them.

7   Q   Why does the Census Bureau attach a margin

8   of error to all of its estimates if it's unnecessary

9   to determine the reliability of the estimate?

10   A   I didn't say that. The Census Bureau in

11   its great care with lots of mathematical

12   statisticians is concerned to give a range around

13   which their point estimates lie. They want people

14   to be aware that the estimate is somewhere in this

15   range.

16   Q   Isn't it true the Census Bureau also wants

17   individuals to be aware that the estimate may not be

18   reliable?

19   A   I'm not sure that's a correct statement

20   about the Census Bureau, but we have to see what

21   their documentation says on that.

22   Q   Based on your experience, do you

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1   understand that that's the reason they provide a

2   margin of error, to allow others to assess the

3   reliability of their estimates?

4   A   That's one of the reasons they do it, and

5   I've used what I believe is a reliable piece of

6   their margins of error, that is, the margin of error

7   for the census tract, which is quite large, 26

8   percent, for my margin of error for the undocumented

9   population. If we're talking only about the

10   Hispanic population, that margin of error is in ACS.

11   The only question is whether it applies to make an

12   estimate of the undocumented population. I believe

13   it does give us the best estimate.

14   Q   But in coming to your conclusions, you

15   relied upon the CMS data at the PUMA level, correct?

16   A   To estimate the number of undocumenteds in

17   that tract, I deduced it from the PUMA.

18   But recall again that the other data at

19   the county level is confirmatory of my result at the

20   local level. The fact that I'm getting something

21   similar gives me a great deal of confidence in that

22   value. If the value of the census tract level was

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1   wildly different from the county level, I would be

2   concerned about my point estimate, but I'm not.

3   Q   In relying upon the PUMA CMS estimate, you

4   do not know what the margin of error is for that

5   estimate, correct?

6   A   I think that question has been asked at

7   least twice before, and I've answered. We don't

8   know the margin of error for the CMS data. CMS did

9   not provide margins of error at the PUMA level.

10   Q   How can you as a demographer determine

11   whether their estimate is reliable or not?

12   A   They have gone through a complicated

13   process of taking the national data, positing it out

14   to state and to local areas. This is, as mine, the

15   best estimate of the number of undocumented. That

16   is a large team of demographers and statisticians

17   produced this data. It is publicly available now

18   online. I believe it is as reliable data as we can

19   get about the undocumented population.

20   Q   Whether it's the most reliable or not, how

21   can you determine whether it's sufficiently reliable

22   to establish, for instance, in this case as a fact

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1   CERTIFICATE OF SHORTHAND REPORTER - NOTARY PUBLIC

2   I, Kelly Carnegie, Certified Shorthand

3   Reporter, Registered Professional Reporter, the

4   officer before whom the foregoing proceedings were

5   taken, do hereby certify that the foregoing

6   transcript is a true and correct record of the

7   proceedings; that said proceedings were taken by me

8   stenographically and thereafter reduced to

9   typewriting under my direction; that reading and

10   signing was requested; and that I am neither counsel

11   for, related to, nor employed by any of the parties

12   to this case and have no interest, financial or

13   otherwise, in its outcome.

14   IN WITNESS WHEREOF, I have hereunto set my

15   hand and affixed my notarial seal this 27th day of

16   December, 2016.

17   My commission expires: July 31, 2018

18

19   *Kelly Carnegie* _____

20   NOTARY PUBLIC IN AND FOR THE

21   COMMONWEALTH OF VIRGINIA

22   Notary Registration Number: 7060756